

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN GUY,

Plaintiff,

Case No. 20-12734

Hon. Mark A. Goldsmith

vs.

ABSOPURE WATER COMPANY,

Defendant.

OPINION & ORDER

DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION TO COMPEL (Dkt. 35)

Plaintiff Justin Guy filed a motion to compel, arguing that Defendant Absopure Water Company provided insufficient responses to Guy's discovery requests (Dkt. 35). The Court issued an order requiring the parties to confer in good faith to resolve the discovery disputes. 8/17/21 Order at 1 (Dkt. 36). The Court ordered that if the parties were unable to resolve their disputes, they would be required to file a joint memorandum, not to exceed seven pages, setting forth the disputed discovery requests and responses and explaining their respective positions on the disputes. Id. at 1–2.

The parties failed to comply with the seven-page limit, instead submitting a 64-page memorandum (Dkt. 45). During the hearing held on the motion, Guy's counsel stated that the parties could not comply with the seven-page limit due to the voluminous nature of the discovery requests and responses that they were required to set forth in the memorandum. This does not explain, however, why counsel failed to seek an extension of the page limit before filing a clearly excessive memorandum. Due to Guy's failure to comply with the Court's prior order, the Court denies his motion to compel (Dkt. 35) without prejudice.

In addition, the Court finds that the parties would benefit from the appointment of a special master to assist them in resolving their discovery disputes. See 2/25/21 Op. at 7 (Dkt. 11) (noting the “acrimonious” nature of the attorneys’ relationship and reminding counsel to “work together in a civil and professional manner”); 7/13/21 Op. at 3 (Dkt. 30) (warning that “[i]f the parties are unable to develop a proposed ESI protocol together, the Court will be inclined to appoint a special master—paid for by the parties—to supervise ESI matters”). Before appointing a special master, the Court will give the parties another opportunity to confer to resolve the current discovery disputes. If the parties fail to fully resolve the disputes, they must submit special master recommendations by email to the undersigned’s law clerk, Abigail Foote (Abigail_Foote@mied.uscourts.gov), by 3 p.m. on October 22, 2021. The Court will take the parties’ recommendations into consideration when appointing a special master—paid for by the parties—to oversee any outstanding discovery disputes.

SO ORDERED.

Dated: October 19, 2021
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge